

THE STATE OF TEXAS §

TO: FLORIDA MARINE TRANSPORTERS, LLC, may be served with process by serving its registered agent for service, Tim Burns at 2360 5th Street, Mandeville, LA 70471 or wherever he may be found Defendant.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

Said answer may be filed by mailing same to: District Clerk's Office, P. O. Drawer NN, Anahuac, TX 77514, or by bringing it to the office. Our street address is 404 Washington, Anahuac, Texas. The case is presently pending before the 253rd District Court of Chambers County sitting in Anahuac, Texas, and was filed on the day of 28th of MARCH, 2016. It bears cause number CV30002

REGINALD NALLEY, Plaintiff

V.

RYAN HEATH BREWER AND

FLORIDA MARINE TRANSPORTERS, LLC, Defendant(s)

The name and address of the Attorney for Plaintiff (or plaintiff, if pro se) Scott C. Lannie, 4000 Garth Road, Suite 150, Baytown, Texas 77521.

The nature of the demands of said a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION filed on 28TH of MARCH, 2016, accompanying this citation and made part hereof.

Issued under my hand and the seal of said court, at Anahuac, Texas this the 28th day MARCH, 2016.



PATTI L. HENRY, DISTRICT CLERK
CHAMBERS COUNTY, TEXAS
BY [Signature]
KRISTIN HART, Deputy

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____.M.
Executed at _____, within the County of _____, at _____ o'clock _____.M. On the _____ day of _____, 20____, by delivering to the within named _____

each, in person, a true copy of this citation together with the accompanying copy of the motion, having first attached such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation \$ _____

To certify which witness by hand officially.

Constable of _____ County, Texas

By _____ Deputy

EXHIBIT

A

Filed
3/28/2016 12:00:06 PM
Patti L. Henry
District Clerk
Chambers County, Texas
Deputy

NO. **CV30002**

By: Kristen Hart

REGINALD NALLEY)	IN THE DISTRICT COURT OF
)	
V.)	CHAMBERS COUNTY, TEXAS
)	
RYAN HEATH BREWER and)	
FLORIDA MARINE TRANSPORTERS,)	
LLC)	253RD JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW REGINALD NALLEY (hereinafter referred to as "PLAINTIFF"), and files this Original Petition complaining of RYAN HEATH BREWER and FLORIDA MARINE TRANSPORTERS, LLC (hereinafter referred to as "DEFENDANTS"), and for cause of action would respectfully show unto the Court as follows:

I.

Pursuant to Tex. R. Civ. P. 190.1, Plaintiff intends for discovery in this cause of action to be conducted in accordance with Tex. R. Civ. P. 190.3 ("Level 2").

II.

The Plaintiff is a resident of Liberty County, Texas.

The Defendant RYAN HEATH BREWER is a resident of the State of Mississippi. Pursuant to Tex. Civ. Prac. & Rem. Code § 17.061 et seq., this Defendant may be served through his agent for service of process, Mr. Tryon D. Lewis, Chair of the Texas Transportation Commission, 125 East 11th Street, Austin, Texas 78701, who shall then mail a copy of the process, and a notice that process has been served on the Chairman, to Defendant RYAN HEATH BREWER at his address of 223 Kirk, Crystal Springs,

Mississippi 39059, by registered mail or certified mail, return receipt requested.

The Defendant RYAN HEATH BREWER may also be served at 223 Kirk, Crystal Springs, Mississippi 39059, or at such other address where this Defendant may be located.

The Defendant FLORIDA MARINE TRANSPORTERS, LLC is a business entity doing business in the State of Texas and Harris County, Texas. Said Defendant may be served with citation by serving its registered agent for service, Tim Burns, 2360 5th Street, Mandeville, LA 70471.

III.

On or about May 13, 2015, a motor vehicle operated by Defendant RYAN HEATH BREWER collided with another vehicle owned by Plaintiff in Chambers County, Texas. The Plaintiff would show that the acts and/or omissions of Defendant RYAN HEATH BREWER constituted negligence and served as a proximate cause of the collision in question, and the damages for which recovery is sought herein. Additionally, Plaintiff contends that said Defendant RYAN HEATH BREWER was negligent per se by violating one or more provisions of the Texas Transportation Code and Texas Penal Code. Plaintiff would further show that the tortious acts and/or omissions of Defendant RYAN HEATH BREWER constituted gross negligence, as said term is defined by Tex. Civ. Prac. & Rem. Code § 41.001 et seq. Plaintiff accordingly seeks the recovery of exemplary damages from Defendant.

IV.

Plaintiff would further show that Defendant FLORIDA MARINE TRANSPORTERS, LLC is liable under the theory of respondent superior. Based upon

information and belief, Defendant RYAN HEATH BREWER was serving in the course and scope of his employment or agency relationship with the Defendant FLORIDA MARINE TRANSPORTERS, LLC at the time of his tortious acts and/or omissions set forth above. Accordingly, Defendant FLORIDA MARINE TRANSPORTERS, LLC is vicariously liable for all damages proximately caused by the tortious acts and/or omissions of Defendant RYAN HEATH BREWER.

V.

DAMAGES

Pursuant to Tex. R. Civ. P. 47, and pleading to the Court alone, the Plaintiff's damages are within the jurisdictional limits of this Court, and exceed \$200,000.00, but do not exceed \$1,000,000.00. In particular, Plaintiff seeks recovery of the following damages:

- (1) Medical and health care expenses incurred in the past;
- (2) Medical and health care expenses that, in a reasonable probability, will be incurred in the future;
- (3) Past and future physical pain;
- (4) Past and future mental anguish and suffering;
- (5) Loss of wages and/or loss of earning capacity, past and future;
- (6) Property damages, including loss of use;
- (7) Physical impairment, past and future;
- (8) Pre-judgment and post-judgment interest at the legal rate;
- (9) Exemplary damages;
- (10) Costs of Court; and
- (11) Such other damages that may be established at the time of trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein as required by law, and upon final trial and hearing hereof, the Plaintiff have and recover damages from the Defendants, together with costs of court, pre-judgment and post-judgment interest at the legal rate, and such other and further relief, general and special, legal and equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

LAW OFFICES OF SCOTT C. LANNIE, P.C.

/s/ Scott C. Lannie

BY: SCOTT C. LANNIE
Attorney for Plaintiff
4000 Garth Road, Suite 150
Baytown, Texas 77521
Telephone: (281) 303-9200
Facsimile: (281) 303-8280
State Bar No. 11937350
Email: sclannie@aol.com

Filed
4/12/2016 1:06:25 PM

Patti L. Henry
District Clerk

Chambers County, Texas
Deputy

By: 

In the 253th District Court
CHAMBERS County

Cause No.: CV30002

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Plaintiff:

REGINALD NALLEY

Defendant:

RYAN HEATH BREWER AND
FLORIDA MARINE TRANSPORTERS
LLC

Officer's Return

Came to hand April 05, 2016 at 10:44 A.M. and executed in Travis County, Texas, on April 06, 2016 at 12:07 P.M. by delivering to RYAN HEATH BREWER IS A RESIDENT OF THE STATE OF MISSISSIPPI by delivering to TED HOUGHTON Chairman of the Texas Transportation Commission, at 125 E. 11th Street, Austin, Texas, 78701, by delivering to ALICIA RAMONE -KANE, designated agent for the Chairman of the Texas Transportation Commission, duplicate true copies of the citation together with duplicate copies of the Plaintiff's ORIGINAL petition.

Carlos B. Lopez,
Travis County Constable Precinct 5
Travis County, Texas

by: 

Julien Smith, Deputy

THE STATE OF TEXAS §

**NEEDS TO
BE BILLED #5- ORIGINAL**

TO: RYAN HEATH BREWER is a resident of the State of Mississippi, may be served through his agent, Mr. Tryon D. Lewis, Chair of the Texas Transportation Commission, with process at 125 East 11th Street, Austin, Texas 78701, who shall then mail a copy of the process, and a notice that process has been served on the Chairman, to Defendant RYAN HEATH BREWER at his address of 223 Kirk, Crystal Springs, Mississippi 39059, by registered mail or certified mail, return receipt requested or wherever he may be found Defendant.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

Said answer may be filed by mailing same to: District Clerk's Office, P. O. Drawer NN, Anahuac, TX 77514, or by bringing it to the office. Our street address is 404 Washington, Anahuac, Texas. The case is presently pending before the 253rd District Court of Chambers County sitting in Anahuac, Texas, and was filed on the day of 28th of MARCH, 2016. It bears cause number CV30002

REGINALD NALLEY, Plaintiff

V.

RYAN HEATH BREWER AND

FLORIDA MARINE TRANSPORTERS, LLC, Defendant(s)

The name and address of the Attorney for Plaintiff (or plaintiff, if pro se) Scott C. Lannic, 4000 Garth Road, Suite 150, Baytown, Texas 77521.

The nature of the demands of said a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION filed on 28TH of MARCH, 2016, accompanying this citation and made part hereof.

Issued under my hand and the seal of said court, at Anahuac, Texas this the 28th day MARCH, 2016.



**PATTI L. HENRY, DISTRICT CLERK
CHAMBERS COUNTY, TEXAS**

BY Kristin Hart
KRISTIN HART, Deputy

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M.

Executed at _____, within the County of _____, at _____ o'clock _____ M. On the _____ day of _____, 20____, by delivering to the within named _____

each, in person, a true copy of this citation together with the accompanying copy of the motion, having first attached such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation \$ _____

To certify which witness by hand officially.

Carlos B. Lopez

Constable Pct. 5, Travis County, Texas



Constable of _____ County, Texas

By _____ Deputy

1870-CK Pd CK #10984



Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8630 | WWW.TXDOT.GOV

April 8, 2016

Ryan Heath Brewer
223 Kirk
Crystal Springs, Ms 39059

Re: OGC No. 41814
Cause No. CV30002
Chambers County
Plaintiff: Reginald Nalley
Defendant: Ryan Heath Brewer

COPY

Ryan Heath Brewer:

In compliance with the Texas long-arm statute, Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D, the Chair of the Texas Transportation Commission was duly served with the enclosed Citation and Plaintiff's Original Petition on April 6, 2016.

This agency's only role in the process is to serve as an out-of-state defendant's agent for service of process. We are unable to answer any questions or respond to correspondence regarding this lawsuit. All questions or concerns should be addressed to the attorney noted below.

Office of General Counsel

Enclosures

cc: Scott C. Lannie
Attorney at Law
4000 Garth Road, Suite 150
Baytown, TX 77521
Telephone (281) 303 9200

U.S. Certified Mail No. 7015 0640 0004 4922 3193
Return Receipt Requested

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

TEXAS TRANSPORTATION COMMISSION CHAIRMAN'S CERTIFICATE

NO. CV30002

REGINALD NALLEY

VS.

RYAN HEATH BREWER

§
§
§
§
§

IN THE DISTRICT COURT

253RD JUDICIAL

CHAMBERS COUNTY, TEXAS

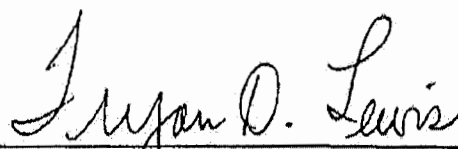
TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Tryon D. Lewis, Chairman of the Texas Transportation Commission, and
Certifies to the court as follows:

That on April 6, 2016, I was duly served with Citation and copy of Plaintiff's Original
Petition in the above styled and numbered cause, which I immediately caused to be
forwarded by U.S. Certified Mail, certified number 7015 0640 0004 4922 3193 addressed
to Ryan Heath Brewer, 223 Kirk, Crystal Springs, Ms 39059 with postage prepaid; return
receipt requested;

In witness whereof, this certificate is issued In Austin, Texas, this 8th day of April,
2016.




Chairman, Texas Transportation Commission

THE STATE OF TEXAS §

RECEIVED ORIGINAL

Filed
4/19/2016 2:27:22 PM
Patti L. Henry
District Clerk
Chambers County, Texas
Deputy

TO: FLORIDA MARINE TRANSPORTERS, LLC, may be served with process by survivor's representative agent for service, Tim Burns at 2360 5th Street, Mandeville, LA 70471 or wherever he may be found Defendant.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

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REGINALD NALLEY, Plaintiff

V.

RYAN HEATH BREWER AND

FLORIDA MARINE TRANSPORTERS, LLC, Defendant(s)

The name and address of the Attorney for Plaintiff (or plaintiff, if pro se) Scott C. Lannie, 4000 Garth Road, Suite 150, Baytown, Texas 77521.

The nature of the demands of said a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION filed on 28TH of MARCH, 2016, accompanying this citation and made part hereof.

Issued under my hand and the seal of said court, at Anahuac, Texas this the 28th day MARCH, 2016.



PATTI L. HENRY, DISTRICT CLERK
CHAMBERS COUNTY, TEXAS
BY Kristin Hart
KRISTIN HART, Deputy

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M.
Executed at _____, within the County of _____, at _____ o'clock _____ M. On the _____ day of _____, 20____, by delivering to the within named

(OS)CV30002 - 1.00 -- C/P

Served PERS on

INT:

FLORIDA MARINE TRANSPORTERS INC. THRU

AGENT TIM BU at

2360 5th ST, MANDEVILLE

Service Date & Time: 4/7/2016 8:26:00AM

Unable to serve agent, after "due diligence" served

Ashley Robertson (secretary) @ 2360 5th St, Mandeville

each, in person, a true
attached such copy of ci
Total fee for serving this
To certify which witness:

/ of the motion, having first
very.

3719 - DHEMING, JUAN, St. Tammany Parish

____ County, Texas

____ Deputy

CAUSE NO. CV30002

REGINALD NALLEY

§

IN THE DISTRICT COURT

VS.

§

CHAMBERS COUNTY, TEXAS

RYAN HEATH BREWER AND
FLORIDA MARINE TRANSPORTERS,
LLC

§

§

§

§

253RD JUDICIAL DISTRICT**DEFENDANT FLORIDA MARINE TRANSPORTERS, LLC,
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant **FLORIDA MARINE TRANSPORTERS, LLC** and for its Answer to Plaintiff's Original Petition on file herein, would respectfully show unto the Court as follows:

I.

Pursuant to Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant generally denies each and every, all and singular, the allegations in Plaintiff's Original Petition.

II.

Pleading further, this Defendant affirmatively denies that Ryan Heath Brewer was serving or acting in the course and scope of his employment or agency relationship with Florida Marine Transporters, LLC at all times material and relevant to the motor vehicle accident and incident made the basis of this lawsuit. This Defendant further pleads that it is not vicariously liable for the damages claimed by Plaintiff as a result of the alleged tortuous acts and/or omissions of Ryan Heath Brewer. This Defendant further pleads that Ryan Heath Brewer was not in the furtherance of the business of this Defendant at all times relevant and material to the motor vehicle accident in question and the incident made the basis of this lawsuit.

III.

Defendant demands and requests a trial by jury. A jury fee has been paid.

IV.

Defendant reserves the right to amend this pleading as it is its right pursuant to the laws of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant **FLORIDA MARINE TRANSPORTERS, LLC** having fully answered herein, prays that the Court enter a take-nothing judgment in its favor, and for such other and further relief, both special and general, to which it may be justly entitled.

Respectfully submitted,

LECLAIRRYAN

/s/ Bruce C. Gaible

By: _____
Bruce C. Gaible
State Bar No. 07567400
1233 West Loop South, Suite 1000
Houston, Texas 77027
Telephone: (713) 654-1111
Facsimile: (713) 650-0027
Email: bruce.gaible@leclairryan.com

**ATTORNEY FOR DEFENDANT,
FLORIDA MARINE TRANSPORTERS, LLC**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record on this the 22nd of April, 2016.

Scott C. Lannie
Law Offices of Scott C. Lannie, P.C.
4000 Garth Road, Suite 150
Baytown, Texas 77521

Via E-Serve

/s/ Bruce C. Gaible

BRUCE C. GAIBLE

CAUSE NO. CV30002

REGINALD NALLEY

§

IN THE DISTRICT COURT

VS.

§

CHAMBERS COUNTY, TEXAS

RYAN HEATH BREWER AND
 FLORIDA MARINE TRANSPORTERS,
 LLC

§

§

§

§

253RD JUDICIAL DISTRICT

DEFENDANT FLORIDA MARINE TRANSPORTERS, LLC'S
RULE 216 REQUEST FOR JURY TRIAL

TO THE HONORABLE JUDGE OF THE COURT:

In accordance with the provisions of Rule 216 of the Texas Rules of Civil Procedure, Defendant, **FLORIDA MARINE TRANSPORTERS, LLC**, requests that when this case proceeds to trial, it be placed on the Court's jury trial docket.

The appropriate jury fee is tendered herewith.

Respectfully submitted,

LECLAIRRYAN

/s/ Bruce C. Gaible

By: _____

Bruce C. Gaible
 State Bar No. 07567400
 1233 West Loop South, Suite 1000
 Houston, Texas 77027
 Telephone: (713) 654-1111
 Facsimile: (713) 650-0027
 Email: bruce.gaible@leclairryan.com

ATTORNEY FOR DEFENDANT,
FLORIDA MARINE TRANSPORTERS, LLC

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record on this the 22nd day of April, 2016.

Scott C. Lannie
Law Offices of Scott C. Lannie, P.C.
4000 Garth Road, Suite 150
Baytown, Texas 77521

Via E-Serve

/s/ Bruce C. Gaible

BRUCE C. GAIBLE

CAUSE NO. CV30002

REGINALD NALLEY	§	IN THE DISTRICT COURT OF
	§	
VS.	§	CHAMBERS COUNTY, TEXAS
	§	
RYAN HEATH BREWER and	§	
FLORIDA MARINE TRANSPORTERS,	§	
LLC	§	253rd JUDICIAL DISTRICT

**DEFENDANT RYAN HEATH BREWER'S
ORIGINAL ANSWER AND JURY DEMAND**

Defendant Ryan Heath Brewer files this Original Answer and Jury Demand, and would respectfully show the Court the following:

General Denial

1. Pursuant to Tex. R. Civ. P. 92, Defendant Brewer generally denies all of the material allegations in the claims asserted against him and demands strict proof thereof as required by the laws of the State of Texas. Defendant reserves the right to amend this Answer.

Affirmative Defenses

2. Defendant asserts the limitations on liability and damages set forth in Chapter 41 of the Texas Civil Practice and Remedies Code, including Sections 41.004, 41.005, 41.006, 41.007, 41.008, and 41.0105. Recovery of medical or healthcare expenses is limited to the amount actually paid or incurred by or on behalf of the injured person.

3. To the extent that Plaintiff is seeking recovery for loss of earnings, loss of wages, loss of earning capacity and/or loss of contributions of pecuniary value, evidence of this alleged loss must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law as required by Section 18.091 of the Texas Civil Practice and Remedies Code.

4. Plaintiff's claims for punitive or exemplary damages are barred because the imposition of such damages would violate Defendant's due process, equal protection, and other rights under the United States Constitution and the Constitution of the State of Texas.

Jury Demand

5. Defendant respectfully requests trial by jury on all issues so triable.

WHEREFORE, Defendant Ryan Heath Brewer prays that upon final trial hereof, a take nothing judgment be awarded in his favor and that he be awarded all such further and other relief to which he may show himself to be entitled, either in law or in equity.

Respectfully submitted,



Eric Paul Edwardson
State Bar No. 24002042
5 Acadiana Court, Ste B
Beaumont, Texas 77706
(409) 924-0802
(409) 515-1958 Telecopy
ericedwardson@att.net
ATTORNEY FOR DEFENDANT
RYAN HEATH BREWER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this instrument was forwarded to all known counsel of record in compliance with the TRCP on this, the 28th day of April, 2016.



Eric Paul Edwardson